

ASSEMBLY BILL

No. 91

Introduced by Assembly Member Dutton

January 8, 2003

An act to amend Section 22171 of the Education Code, relating to state teachers' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 91, as introduced, Dutton. State teachers' retirement: spouses of members.

Under the State Teachers' Retirement System, for purposes of receiving benefits, the spouse of a member is defined as a person who was married to the member continuously for at least 12 months prior to the member's death, subject to specified exceptions.

This bill would also define a spouse to include a person who was married for less than 12 months if the member's death was accidental, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22171 of the Education Code is
2 amended to read:
3 22171. (a) "Spouse" means a person who was married to the
4 member for a continuous period beginning at least 12 months prior
5 to the death of the member unless a child is born to the member and
6 his or her spouse within the 12-month period or unless the spouse
7 is carrying the member's unborn child.

1 **(b)** “Spouse” also means a person who was married to the
2 member for less than 12 months if the member’s death was
3 accidental.

4 **(1)** A member’s death is defined as accidental only if he or she
5 received bodily injuries through violent, external, or accidental
6 means and, as a direct result of the bodily injuries and independent
7 of all other causes, died within three months after the day on which
8 the injuries were received.

9 **(2)** This subdivision does not apply if at the time of the marriage
10 the member could not reasonably have been expected to live for 12
11 months.

